

State of Israel
TRADE MARKS REGULATIONS, 1940
Amended on January 1st, 2022

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FIRST SCHEDULE (Clause 3)

SECOND SCHEDULE (Omitted)

THIRD SCHEDULE (Omitted)

1. Short Title

These Regulations shall be known as the Trade Marks Regulations, 1940.

2. Definitions

In these Regulations -

"Submission website" - the Authority's website through which the electronic submission to the Authority is made;

"Paper submission" - submission of a document via manual delivery or by sending it via post office;

"Electronic identification" - identification with a high level of verification, using an electronic means;

"The Authority" - the Patent Authority as defined in the Patents Law;

"Registrar" - as defined in Section 5 of the Ordinance;

"Patents Law" - Patents Law, 5727-1967;

"Certified electronic signature" - (deleted);

"Manual signature" - (deleted);

"Electronic submission form" - an electronic form used for electronic submission to the Authority as it appears at the time of submission on the submission website;

"Agents" - a patent attorney as defined in the Patents Law or a lawyer;

"The Ordinance" - Trademarks Ordinance [New Version], 5732-1972;

"Electronic certificate" - (deleted);

"Declaration" - one of the following, provided that it complies with the provisions in Regulation 10A:

(1) Affidavit according to Section 15 of the Evidence Ordinance [New Version], 5731-1971;

(2) An affidavit or a written statement regarding the correctness of the content therein, given outside of Israel, when the content is prepared and signed before a diplomatic or consular representative of Israel authorized to do so or before a person authorized to receive it according to the law of the location where it was given.

FEES

3. Fees

The fees to be paid in accordance with the Ordinance shall be the fees specified in the First Schedule to these Regulations.

(a) The fees under these Regulations shall be paid in a deposit to the bank account of the Office allocated for that purpose at the Postal Bank or through the Government payment server; a certification on payment shall be delivered to the Registrar together with a notice on the matter for which such fee was paid.

3A. Index

(a) The sums in the First Schedule shall be altered on 1 January of each year (hereinafter: the "date of alteration") in accordance with the rate at which the new index has risen in comparison with the base index; for the purposes of this clause—

"index"—the consumer price index published by the Central Bureau of Statistics;

"the new index"—the index published in the month of November preceding the date of alteration;

"the base index"—the index published in the month of November preceding the previous date of alteration.

(b) The sum altered in accordance with the provisions of sub-regulation (a) shall be rounded—

(1) if greater than 10 NIS, to the nearest 1 NIS, sums of 0.5 NIS shall be rounded up;

(2) if less than 10 NIS, to the nearest 10 Agorot.

(c) The Registrar of Trade Marks shall publish the First Schedule, as may be amended following the provisions of this clause, in the Gazette.

Repealed

4. Forms

Repealed.

CLASSIFICATION OF GOODS AND RE-CLASSIFICATION OF GOODS ALREADY REGISTERED

5. Classification of Goods

(1)

(a) For the purpose of the registration of trade marks effected prior to the date on which these Regulations came into effect, goods are classified in the manner set out in the Third Schedule to these Regulations, unless some specification has been converted and made compatible with the Fourth Schedule to these Regulations in accordance with paragraph (2) of this regulation.

(b) For the purposes of the registration of trade marks effected after the date on which these Regulations came into effect and for the purpose of all such registrations effected prior to that date but in respect of which specifications have been converted in accordance with paragraph (2) of this regulation, goods are classified in the manner set out in the Fourth Schedule to these Regulations.

Application by Registered Owner to Convert Specification Proposed by Registrar

(2) Where the specifications of a registered trade mark are based upon the Third Schedule to these Regulations, the registered owner may apply to the Registrar and request to convert the specification in such a manner so as to be able to base such specification on the Fourth Schedule to these Regulations whether by avoiding some good from the specifications or not, but so that the original date of registration will remain as such. The Registrar will thereafter provide the registered owner with a proposal in writing, pursuant to section 45 of this Ordinance, setting out the manner in which, in the Registrar's opinion, the Register must be amended. Two or more registrations of a trade mark in respect of a good included in the same class of the Fourth Schedule to these Regulations having the same date of registration may be merged after conversion in accordance with this paragraph.

Publication of Proposal and Opposition

(3) Proposals for amendment made in accordance with section 45 shall be published in the website and notice of opposition shall be given within one month of the date of publication, together with a copy of the notice and a notice in two copies showing the manner in which the proposed conversion contravenes sections 43 or 44. The Registrar shall send the duplicate copies to the registered owner immediately who may, within one month after receiving such duplicate copies, send the Registrar a contrary notice detailing the reasons for disagreeing with the opposition, and should he do so, he shall also deliver a copy of such notice to the party that raised the opposition. The Registrar may then demand or take evidence relating to the questions remaining in dispute, and

prior to ruling on the matter, may give the parties the possibility to make their claims in the matter, should one or other of them so desire.

Conversion of Specifications; Resulting Registration

(4) Where a proposal to convert a specification is published in accordance with paragraph (2) of this regulation, and no opposition has been filed, unless a decision has been made in respect of an opposition and permission has been granted to convert the specification, the Registrar shall register all particulars in the register as are required to give effect to the conversion in accordance with the proposal as published, or in accordance with an amended proposal, if amended after the filing of an appeal in which those particulars were registered. For the purposes of making a decision in the matter of the future renewal of any particulars stemming from that, in accordance with section 32 of this Ordinance, the expression "day of lapse of the original registration or the end of the last renewal" shall refer to the date to which it would have referred in respect of the registration prior to the conversion.

DOCUMENTS

6. Submission of Documents

(a) an application for registration of a trade mark, an application, notices, notifications, or other document which can or may be sent, edited, or delivered to the Registrar, on paper, as prescribe under regulation 6A or on the filing website as said in regulations 6B to 6E.

(b) Notwithstanding sub-regulation (a), any person other than the specified hereafter, shall file an application for registration of a trade mark only through the filing website:

(1) A corporation;

(2) A licensed professional according to any law, whose submission is made within the framework of his profession or license.

(c) Sub-regulation (b) shall also apply to an application, notice, advertisement or other document that is or is allowed to be submitted, edited or given to the Registrar.

6A. Submission of paper documents

(a) An application for registration of a trademark, an application, a notice, an advertisement or any other document that is submitted or is allowed to be submitted, edited or given to the Registrar, shall be -

(1) printed in dark and indelible ink;

(2) on A4 size white paper (width - 21 cm, height - 29.7 cm);

(3) with a margin of at least 5 cm at the top of each sheet, 3 to 4 cm on the right side of a sheet written in Hebrew or Arabic and on the left side of a sheet written in English, and of at least 3 cm at the end of each line;

(4) printed on one side of the sheet only, but this paragraph shall not apply to documents to which sub-regulation (b) applies.

(b) When submitting a paper document as stated in sub-regulation (a) (1) to (3) in a dispute proceeding, a proceeding under Regulation 26 or through a proceeding under Regulation 73, the following provisions shall apply:

(1) In addition to submitting the document on paper, a copy of the document must also be submitted on a digital storage device; The type of device and the type of file for the purpose of filing on said device, will be as ordered by the Registrar according to Section 11(a) of the Patents Law for the purpose of submission on a digital storage device, mutatis mutandis;

(2) The date of submission of the document shall be considered the date of its submission on paper or the date of its submission on the device, whichever is later.

6B Filing documents on the filing website

(a) application for registration of a trademark shall be filed to the Registrar through an electronic filing form on the filing website.

(b) an application, notice, notification or another document which are required to be or may be sent, edited or delivered to the Registrar, shall be filed on the filing website.

(c) The submitter of any application, notice, advertisement or other document submitted as stated in sub-regulation (b), must identify himself through electronic identification.

(c1) The provisions in sub-regulation (c) shall not apply to the submitter of the documents listed below:

- (1) Notice of objection according to section 24 of the Ordinance;
- (2) Request to renew the registration of a trademark according to sections 32 and 33(b) (2) of the Ordinance;
- (3) Request to correct the register according to section 38 of the Ordinance, a request to delete a trademark from the register according to section 39 of the Ordinance or a notice according to section 40 of the Ordinance;
- (4) Request to cancel registration of a trademark due to non-use according to section 41 of the Ordinance;
- (5) Submission of an international application or an extension application that does not designate Israel according to section 56C of the Ordinance;
- (6) Request to join as a third party to the procedure according to Regulation 72;
- (7) Request for search under Regulation 78(a);
- (8) Request to receive a certificate from the Registrar according to regulations 84 and 85.

(d) Sub-regulations (a) and (c) shall not apply to applications designating Israel, as defined in section 56A of the Ordinance, which are forwarded to the Registrar through the International Office, as defined in this section.

6C. Receiving the Document

(a) Where the document has been filed to the Registrar electronically, it shall be considered to have been submitted on the date it was received in the filing website, in accordance with the indicator as shown on the filing website to be transmitted to the applicant of the electronic filing form.

(b) A document submitted electronically will not be recorded and will not be considered submitted, unless it has successfully passed an acceptance test at the technical level; A document that has not successfully passed the acceptance test will be rejected without receiving it and no notification will be sent as stated in sub-regulation (a).

(c) If the document submitted electronically is infected with a computer virus

or hostile code, which may cause damage or disruption to the Authority's computer or computer material located on the Authority's computer, the document will be rejected without receiving it.

(d) If a malfunction is expected or occurs on the submission website, the Registrar will publish a notice on the Authority's website (hereinafter - the Authority's website) stating the start date of the malfunction and the end date; If the end date of the malfunction was not known at the time of publication of the aforementioned notice or if the date of the beginning or end of the malfunction has changed - the Registrar will publish an additional notice on the Authority's website stating the end date of the malfunction or the updated date, as the case may be; If the Registrar publishes such a notice, including an additional notice, the following instructions will apply to the person submitting an application, notice or document:

(1) With regard to a malfunction that ends before the deadline for submitting a document (hereinafter - the deadline) - the document must be submitted according to one of the following:

(a) In paper submission as stated in Regulation 6A (hereinafter - paper submission), from the day the fault began according to the notice published by the Registrar until two business days after the day the fault ended or two business days after the day the notice was published on the Authority's website about the fault ending, whichever is later;

(b) by electronic submission as stated in regulation 6B (hereinafter - electronic submission) after the fault has passed by the deadline;

(2) Regarding a malfunction that occurs on the deadline - the document must be submitted according to one of the following, and the document will be considered as if it had been submitted by the deadline, and the submitter will not be charged for the submission with the extension fee as stated in item 10 of the First Addendum:

(a) By paper submission up to 2 business days after the deadline;

(b) By electronic submission, if the malfunction was resolved within the number of days in sub-paragraph (a).

(e) If it is not possible to submit a document on the submission website by the deadline, either because the submission failed on the submission website and the Authority did not publish a notice of a malfunction or because of a fault in the submitter's computers that prevents the possibility of submission on the submission website and cannot be fixed on the same day, the document submission will be subject to sub-section (d) (2), provided that a declaration detailing the attempted submission and the circumstances that led to the failure to submit on time is attached to the submitted document.

6D. Links

No Hyper Link to the information within the document or outside it shall be included in the document filed electronically to the Registrar, however, the applicant may include in the document a link referring to the table of contents, where relevant, to relevant sections in the body of the document, or to refer to relevant section in the body of the document in the script of the document, if relevant.

6E. Files

A document which was filed on the filing website and contains textual information shall be prepared through a software for creating files in textual PDF format (Portable Document Format) or a software used to create files in WORD format; any document which contains only non-textual information, can be filed in a non-textual PDF or TIFF format.

7. Delivery by mail

(1) Any application, notification, notice or any document required or permitted to be delivered, addressed or given to the office or to the Registrar or to any other person may be sent by mail and any document so sent shall be considered as having been delivered on the date that the letter enclosing such would have been delivered in any event by means of ordinary mail.

When an Address is Considered as Sufficient

(2) Any letter addressed to the address of the registered owner of a trade mark or to his address for the delivery of documents, as noted in the register, or a letter addressed to any person requesting the registration of a trade mark, or to any person objecting to such registration, in accordance with the address appearing on the application or on the letter of objection, or in accordance with the address provided for the purpose of delivery as set out in clause 9, shall be considered to be a letter containing a sufficient address.

8. Address to Be Complete

(a) an applicant of a document to the Registrar shall provide a full address for delivery of documents, which includes the city name, street name, number of house, and postal code, including any numbers of telephones and facsimile for that address, if there are any; where no street name or house number exists - another indicator.

(b) an applicant of a document to the Registrar gives an electronic mailing address, if he is interested to receive documents from the Registrar in such manner, except for a certificate of registration and a certified copy thereof; a document sent via electronic mail shall be considered to have arrived on the

first work day after the delivery of the document.

(c) a document sent by the Registrar shall be considered as if it reached his destination on the regular date whereby mailing items arrive, unless otherwise shown.

9. Address for delivery of documents

(a) Any person seeking to register a trade mark, or a permit under section 50 of the Ordinance, or any person opposing to such registration, and any person seeking to transfer a trade mark into his ownership shall notify the Registrar of an address in Israel for the delivery of documents and such address shall be considered as that person's address for the purposes of the Ordinance and these Regulations provided that such person does not give notice of any other address in Israel for the said purpose.

(b) For as long as an agency permit under regulation 10 is in force, the agent's address will be considered as that person's address for the purposes of the Ordinance and neither these Regulations nor subregulation (a) shall apply, unless that person or the agent have notified otherwise.

(c) The provisions of Regulation 8 shall also apply to a power of attorney or another delivered power of attorney.

10. Agents

(a) A person may give permission to an agent to perform any activity that that person may perform under the Ordinance or under these Regulations.

(b) No more than one agent may be permitted to act on any one matter, unless a number of agents who are partners or who are employed together in the same office are permitted to act together; however, the provisions of this regulation shall not prevent more than one agent from appearing and making claims for any one client if so permitted.

(c) Where a number of agents are permitted under sub-regulation (b), and those agents later cease working together, the agent whose address was given as the address of such agents shall be considered as the agent, should the granter of the permission to act or the agents themselves not provide notice to any other effect in this regard.

(d) The validity of the permission granted to an agent to act shall not expire so long as the permission to act has not been cancelled by express order in this regard connected to any matter in respect of which the permission to act was granted, however, the Registrar is entitled not to recognize a power of attorney ten years after one is issued, if he sees fit to do so.

10A. Declaration

A declaration must be drawn up in the first person, divided into sections, and

contain only facts that the declarant can prove to the best of his knowledge or, if he has stated the reasons for this, also according to his best belief.

APPLICATION FOR REGISTRATION

11. Application Form

An application for trademark registration must be prepared in the appropriate form provided in the Second Addendum to these regulations or in an electronic submission form that corresponds to it.

12. Repealed.

13. Repealed.

14. Confirmation of Receipt of Application

The Registrar shall send the application a confirmation of receipt of the application upon or following its receipt.

15. Application to Include Drawing of the Mark

Any application for the registration of a trade mark must include a drawing of the trade mark whose registration is sought, and where the mark is a three-dimensional mark, a drawing or picture of the mark shall be affixed to the application in such a way as to make it possible to see what the image looks like from all sides, and an indication of the mark being a three-dimensional mark shall be inscribed; an application for the registration of a trade mark which is a sound shall be affixed with the music notes composing the sound and a digital file allowing to listen to the sound in the systems of the Office.

16. Repealed.

17. Repealed.

18. Demarcation of class or classes

the applicant of an application for registration of a mark shall specify the goods in respect thereof the registration is sought, by indicating the appropriate class or classes for each, in accordance with Fourth Schedule of these Regulations.

19. Drawings to Be Satisfactory

Where any drawing of the image or sound of a mark do not satisfy the Registrar,

he may require that another drawing be made to his satisfaction in its place prior to dealing with the application.

20. Repealed.

21. Translation of Words that Are Not in One of the Official Languages

Where a trade mark contains a word or words that are not written in Hebrew or in Arabic, the Registrar may require an exact translation of that word or of those words, and the transliteration of the word in Latin letters, and should the Registrar so require, the translation and transliteration shall be signed and confirmed by the applicant or his agent.

21A. Registration of Marks Registered Overseas

(a) An applicant for the registration of a trade mark registered as a trade mark in its country of origin in accordance with the provisions of section 16 of the Ordinance shall notify of such in the application form, and shall make a copy of the certificate of registration of the trade mark in its country of origin available to the Registrar, approved by the appropriate authority in such country, together with a certified translation of it into Hebrew, Arabic or English if written in any other language; where the trade mark a mark registered in its country of origin in accordance with the Protocol, it shall be possible to give the Registrar, instead of said copy, the number of registration in the relevant International registration Register or a certified copy of the basic registration; in this regulation -

"The Protocol" and "International registration register" - as defined under section 56A of this Ordinance;

"Basic registration" - as defined under section 56D (7) of the Ordinance.

(b) An application of this type may be filed in accordance with this regulation at any time prior to the receipt of the trademark.

21B. Application for registration of a mark based on a prior right

A person seeking to register a trade mark by virtue of priority under the provisions of section 54 or 55 of the Ordinance shall give notice of such in the application form and shall make it available to the Registrar, no more than three months after filing the application, a copy of the first application filed in the foreign or Union country, approved by the appropriate authority in such country together with a certified translation of it into Hebrew, Arabic or English if written in any other language.

PROCEDURES UPON RECEIPT OF APPLICATION

22. Searches

(a) Upon receipt of the application for registration, the Registrar shall order a search of trademarks and applications pending in order to discover whether marks for the same goods or the same description of goods identified with the mark sought to be registered, or similar enough to it to be misleading, and perform inspection of qualification of the mark for registration in accordance with the provisions of this Ordinance.

(b) The search and inspection referred to in sub-regulation (a) shall be performed in respect of all applications for registration in accordance with the order of filing of applications with the office.

(c) An applicant who provides a reasonable explanation for such may file a reasoned application for the search and inspection on site and may attach an affidavit stating the facts giving rise to the application and a copy of the receipt for payment of the set fee.

22A. Amendment of Application

(a) The Registrar may, upon application from an applicant for registration of a trade mark, to permit an amendment to the application in one or more of the following amendments, if the amendment is required due to the following reasons:

(1) Amendment of the name or address of the applicant, due to a mistake or change which occurred therein;

(2) Amendment of the specification of goods and services in the application for purpose of their clarification or detraction, but not for purpose of their expansion.

(3) Amendment of a mistake or revising the mark for which the registration was requested, shall be on the condition that the revision or amendment does not require additional search and inspection and does not expand the rights extending from registration.

(b) a certificate of payment of the fee prescribed under item 7 in the First Schedule shall be affixed to the application of amendment.

(c) The Registrar shall publish the fact of amendment where the amendment has been approved upon publication of the application under section 23 of the Ordinance.

23. Acceptance

When the search and inspection are undertaken, if the Registrar is of the opinion, based on hearing the application and all of the evidence that the application adduces or seeks to adduce, that there is no objection to the registration of the mark, the Registrar may accept the application, whether

unconditionally or subject to such conditions, amendments, variations or limitations as he sees fit to impose and as shall be notified to the applicant in writing.

24. Legal Procedures in Applications Where Reasons for Non-Acceptance Come to Light

(a) Where, after the search and inspection pursuant to regulation 22 and perusal of the application and all evidence adduced or sought to be adduced by the applicant, reasons come to light for the disqualification of the mark from being registered, a notice in writing of such reasons shall be sent to the applicant.

(b) Where the applicant does not, within three months from the date of the notice referred to in sub-regulation (a), does not file a detailed response in writing within such time, the Registrar shall send a notice to the effect under section 22 of the Ordinance; where the applicant has submitted a detailed response in within such time, the Registrar shall review it and notify the applicant on whether he decided to accept the application, unconditionally, or subject to such conditions, amendments, variations, or limitations as he sees fit to impose, as said under section 23.

(c) Repealed.

25. Conditional Acceptance

(a) Where the Registrar is prepared to accept an application subject to conditions, amendments, variations or limitations, and the applicant objects to such, the applicant may, within three months of the date of the notice of such acceptance, file his reasoned objections within such period; where the applicant has submitted his reason objections in writing within such period, the Registrar shall review them and notify the applicant whether he decided to accept the application unconditionally, or subject to such conditions, amendments, variations, or limitations as he sees fit to impose, as said under section 23.

(b) Where the applicant does not object as set out in sub-regulations and (b), he shall notify the Registrar of such in writing.

(c) Where the applicant does not act in one of the ways set out in sub-clauses (a) or (b), the registrar shall consider the application as canceled under section 22 of the Ordinance and shall send a notification to that effect to the applicant.

(d) Repealed.

26. Registrar's Decision

(a) Where the applicant received a notification in accordance with regulation 24(b) or regulation 25(a), he may, within three months, request that the

registrar hold a hearing on the matter of his application for registration of a trade mark; the Registrar may demand from such person who requested to make his claims heard before him as aforesaid, to submit in writing a summary of his claims within one month from the date he was requested do so, where the applicant did not make such claims in a statement of claims prior thereto, or if the Registrar believes that some benefit may arise from making such claims heard before him.

(b) Where the applicant failed to submit his statement of claims at the prescribed date, he shall be considered as though he forwent his application to make his claims heard, and the Registrar shall decide on the application with reference thereto.

(c) The reasoned decision of the Registrar after the hearing shall be delivered in writing to the applicant.

(d) Where the Registrar presents any demands that the applicant does not object to, the applicant shall follow such demands prior to a notification in writing is sent by the Registrar. For purpose of appeal, the date of delivery of such notification to the applicant shall be considered as the date of the Registrar's decision.

27. Repealed.

27A. Duration of inspection procedures

where no application has been received within two years from the date of delivery of the first notification to the applicant on the decision of the Registrar in accordance with regulations 24(a) or 25(a), the Registrar shall consider the application as null and send a notification to that effect to the applicant, unless the applicant has requested, within such period, that the Registrar shall hold a hearing on his application.

28. Attachments to Application for Registration of Collective Mark

A copy of the articles of association and any other material indicating the supervision of one member over the other members in a collective mark shall be attached to an application for registration of a collective mark.

29. Repealed.

30. Attachment of Notice of Reasons

An applicant must attach the reasons upon which the application is based to every application for registration of a trade mark, together with the rules on the basis of which permission to use the trade mark will be granted.

31. Clarification

The provisions of regulations 24 to 27A shall apply to application submitted in accordance with sections 14 and 15 of the Ordinance, mutatis mutandis.

32. Publication etc.

Where the filing of the application is permitted, it shall be published and treated to all intents and purposes as an ordinary application and shall be open to objection in the same manner and all proceedings may be taken in respect of it as if it were an application made under section 17 of the Ordinance.

PUBLICATION OF APPLICATION

33. Publication of the Application

(1) Where an application has been received, the Registrar shall publish notice of such fact on the website, for the period of time and in the manner that he orders.

(2) repealed.

34. Repealed.

OBJECTIONS TO REGISTRATION

35. Objection

Within three months from the date of publication of an application for registration of a trade mark, any person may present the office with a written notice of objection to the registration.

36. Notice of Objection

The above notice must include the reasons upon which the objection to the registration is based. If the objection is raised because the mark is similar to marks already registered in the Register, the objector must note the numbers of such marks and the date when they were published. A duplicate of the objection must be attached to the notice which the Registrar shall deliver to the applicant.

37. Notice in Opposition

Where the applicant wishes to oppose the objection, he must deliver a written notice in opposition to the office, within two months after receipt of the copy above, detailing the reasons for which he opposes the objection, and at the same time, he must deliver two copies of the notice in opposition to the objector. The applicant must also detail the facts set out in the notice of objection to which he admits.

38. Evidence in Support of Objection

The objector must deliver to the office all evidence that he desires to adduce, within two months after the date of delivery of the copy of the notice in opposition, in the form of affidavits, in support of his objection, and he must deliver copies of such evidence to the applicant.

39. Evidence in support of application

Where the objector does not deliver any evidence, he is considered to have waived his objection, unless the Registrar orders otherwise, and where he does deliver evidence, the applicant must, within two months of the date of delivery of the copies of the affidavits, deliver to the office all evidence that he desires to adduce, in the form of affidavits, and he must deliver copies of such evidence to the objector.

40. Evidence in Response by Objector

In response thereto, the objector may, within two months of the delivery of copies of the applicant's affidavits, deliver to the office evidence by way of affidavit, and he must deliver a copy of such to the applicant. This evidence

shall be reduced only to matters that comprise a response.

40A. Repealed.

41. Further Evidence

No party may adduce further evidence, however, in any case before the Registrar, the Registrar may, at any time, should he see fit, grant the applicant or the objector permission to adduce any evidence upon whatever conditions he sees fit, whether as to costs or any other matter.

42. Exhibits

Where exhibits are annexed to the affidavits filed in the objection, copies or printouts of such exhibits must be delivered to the other party. During the clarification stage, the original exhibits must be displayed unless the Registrar orders otherwise.

43. Translation of Certificates into Foreign Languages

Where mention is made in a notice or affidavit filed in respect of an objection of a document not written in Hebrew or Arabic, the Registrar may request that a certified translation of such document into Hebrew, Arabic or English be made available.

44. Clarification

After the evidence has been heard, the Registrar must fix a time for clarification of the objection and he must provide the parties, at least ten days in advance, with a notice of the time set down above.

44A. Non-appearance to hearing of claims

On the day set out for hearing of the party's claims, the following shall apply:

- (1) Where the parties have notified that they will not appear for a hearing, the Registrar shall decide as based on the material before him;
- (2) Where one of the parties failed to appear, the Registrar shall hear the other party, unless the Registrar saw that the party who failed to appear has abandoned their claim, in which case the application shall be dismissed;
- (3) Where the Registrar has reason to believe that a notification was not delivered to one of the parties or that a party was prevented from appearing before him due to extenuating circumstances, the clarification shall be postponed to another date.

44B. Order of Claim in absence of notification of facts

- (a) where an applicant did not admit to the facts claimed by the objector, the

order of claims will be as follows:

(1) After the evidence has been delivered the objector may sum his claims, and thereafter the applicant may sum his claims, unless the Registrar has instructed on another order, due to extenuating circumstances which shall be so noted.

(2) Where there are more than two parties to a hearing, the registrar shall set the order of summaries among them;

(3) The Registrar may permit a party who gave a summary of his claims to first respond to summary of a party.

(b) the Registrar may, of his own volition or at the request of a party, instruct the parties to testify before him prior to hearing testimonies from other witnesses in the procedure.

44C. Order of claim in light of admission to the facts

Where the applicant has admitted to the facts claimed by the objector and claims that the objector is not quailed to receive relief as requested, either by law or in light of additional facts claimed by the applicant, then the applicant shall open the proceedings, and the order of claims shall be reversed to the order aforesaid under regulation 44B.

44D. Manner of Summaries of Claims

(a) any summary of claims by the parties shall be oral, as soon as possible after the end of delivery of evidence; however, the Registrar may order that the parties shall summarize their claims in writing, whether the whole affair or a certain query which he set, whether in addition to or instead of the verbal summary.

(b) the order as aforesaid shall prescribe the order of summaries of claims as aforesaid in regulation 44B and 44C, whether oral or written, and all other things which are, in the opinion of the Registrar, contingent on the order according to the order.

(c) where the order was granted as aforesaid, the party scheduled to give summary first shall summarize his claims within such time as prescribed by the Registrar from the day the protocol of the hearing was delivered, and the other party shall give summary of his claims within such time as prescribed by the Registrar from the day he received the summaries of the opposing party.

(d) a party which failed to submit a statement of summary in the prescribed date, shall be considered as a party who failed to appear on the date set for the hearing, unless otherwise instructed by the Registrar.

45. Registrar's Ruling

(a) After the hearing, or as soon after the hearing in accordance with the

circumstances, the Registrar shall hand down his ruling, however he may -

(1) Give his ruling, in every stage of the stages of the hearing, on one of the applications for relief, where he believes the continuation of the hearing is of no consequence to the findings regarding the material facts of such application or regarding the queries pending for a decision.

(2) Where he sees fit, give an interim decision in which he shall decide the queries at the heart of the dispute or act in any other way.

(b) the decision of the Registrar shall include a short lecture on the subject of the hearing, the findings by the Registrar with regards to material facts, and the queries subject to decision as well as the reasons for the decision.

(c) the decision of the Registrar shall be in writing and signed by him.

45A. Delivery of Decision to the Parties

the decision shall be delivered by the registrar to the parties and the date of decision shall be considered to be the day it was delivered.

45B. Notice of appeal

where an appeal has been submitted on the decision of the Registrar in a procedure in accordance with this chapter the appellant shall notify the Registrar to the effect at the time of submitting the notification of appeal to the court.

46. Costs of Hearing Where Applicant Does Not Oppose Objection

Where the applicant does not oppose the objection, when the Registrar comes to decide whether to award costs of the hearing in favor of the objector, he must look into the question of whether the matter could have been prevented had the objector provided the applicant with a sufficient notice prior to filing the objection.

NON-COMPLETION OF REGISTRATION

47. Non-Provision of Response

Where a person does not respond to a requirement of the Registrar, which does not constitute a demand or notice under regulations 24, 25 or 27, within the time period determined for the said requirement, and in the absence of any such determination within one month of the date thereof, the Registrar shall give notice to the applicant of cancellation of the application in accordance with section 22 of the Ordinance.

NOTATION ON THE REGISTER

48. Notation on the Register

(a) Three months after the date of publication of any application, the Registrar shall, as soon as possible, note the trade mark on the Register, subject to any objection and decision regarding any objection.

(b) The Register shall note the date of registration, the goods in respect of which the trade mark is registered and any details mentioned in section 4 of the Ordinance, together with any details that the Registrar considers necessary.

49. Procedure Where Applicant passes Prior to Registration of Mark

Where the applicant for registration of a trade mark dies after the date of application and prior to the date of registration in the requested Trade Marks Register, the Registrar may, after the fixed publication time has passed, and if he becomes aware that the applicant has died, note the name, address and description of the person to whom the business belongs in lieu of that of the deceased applicant, after that person's ownership of the business has been proven to the Registrar's satisfaction.

50. Certificate of Registration

After a trade mark is registered, the Registrar shall provide the applicant with a certificate in the prescribed form.

RENEWAL OF REGISTRATION

51. Renewal of Registration

(1) During the three months prior to the end of the date of last time for registration of a trade mark, the owner of the mark or a person acting on his behalf may file an application to renew the registration of the mark.

Fees

(2) A copy of the receipt for payment of the set renewal fee must be attached to the application.

Signature of Application

(3) The applicant must sign his name and note his address on the application, and if an application is filed by a person who is not the registered owner, the Registrar shall be entitled to request that that person provide him within one month with confirmation of payment of the fee, signed by the registered owner, and if no such confirmation is sent, the Registrar may return the fee and treat it as unreceived.

Notice of Receipt of Renewal Fee

(4) Where the Registrar does not demand confirmation as above, he shall advise the registered owner, according to his registered address, of receipt of the fee, that the fee has been received and that the registration will be renewed on the appropriate date.

52. Notice Prior to Removal of Trade Mark from Register

(1) Where no application for renewal is filed, the Registrar shall send a notice to the owner of the trade mark at its registered address; such notice as aforesaid shall be sent no later than one month and no earlier than two months prior to the end of the last date for registration of the trade mark.

Notice of Non-Payment

(2) If at the end of the last date for registration of the trade mark the renewal fee has not been paid, the Registrar shall immediately publish this fact on the website and if, within six months of the date of publication of such notice, an application for renewal is received together with payment of the renewal fee and the set fee for delay, the Registrar may renew the registration without removing the trade mark from the Register.

53. Removal of Trade Mark from the Register

(1) Where six months have passed following the date of publication of the notice, and the set fees have not been paid, the Registrar may remove the mark from the Register as of the last date for registration, however, where the renewal fee and the renewed validity fee are paid later on, the Registrar may re-enter the mark in the Register should he be of the opinion that it would be right to do so, under such conditions as he may see fit to impose, provided that he was requested to do so within 12 months from the date of the last time of registration, as said under section 33 of the Ordinance.

(2) Where a trade mark is removed from the Register, the Registrar must ensure that a notification of the removal and the reasons for the removal is entered in the Register.

54. Notice and Publication of Renewal

A notice of the renewal of registration shall be sent to the registered owner and the renewal shall be published on the website.

PUBLICATION ON THE WEBSITE

54A. Publication on the website

Where a duty has been prescribed under these regulations to publish information on the website, such information shall be published on the website of the Office, which shall be accessible to the public free of charge; the publication on the website shall be made immediately, and guarantee the reliability and accessibility of such published information, as well as the ability to restore it, and produce output thereof.

54B. Saving Information

information which was published as aforesaid in regulation 54A, shall be saved to a designated automated system, and in accordance with the guidelines of the Information Systems Division at the Ministry of Justice, provided that -

- (1) The system is reasonably regulated by reasonable protection measures against infiltration which may damage the credibility of information therein;
- (2) The system is backed up by secure and protected measures, and such back up is saved separately from the system;
- (3) Reasonable measures are taken to protect the information published from any change during the period of its saving; for this purpose, signing of a file containing the information published with a secured electronic signature, as defined in the Electronic Signature Law, 5761-2001, on the eve of publication, shall be considered as a reasonable measure of protection against any changes.

54C. Providing Information for Public Inspection

Information published as said under regulation 54A shall be provided for public inspection in an electronic format in the library of the Office.

T

RANSFER

55. Application to Register Transfer etc.

Where a person becomes entitled to a registered trade mark by virtue of a transfer or any other legal act, such person must file an application with the Registrar to register such rights.

56. Details to Be Provided in the Application

The said application must contain the name, address or any other detail requested by the Registrar of the person claiming the right in the mark, together with complete details of the document under which the claim is made, where such a document exists, and such document is to be made available to the Registrar for perusal.

57. Copies of documents

The Registrar may demand, in any event, a certified copy of any document filed with him for his perusal which is filed to prove rights in a mark.

58. Claim Attached to Application

(1) Where the applicant does not claim a right on the basis of any document or other piece of writing on his part containing proof of his rights, unless the Registrar rules otherwise, such person must file, whether together with the application or after filing the application, a special notice of his rights, and in such notice, the applicant must provide full details of the facts on which his claim for ownership of the trade mark is based.

(2) Where the Registrar so demands, an affidavit shall be attached to such notice.

59. Proof of Rights

In any event, the Registrar may demand any person seeking to register as owner of a trade mark to provide proof or additional proof of rights of ownership.

60. Notation on the Register

Where the applicant's right becomes apparent to the Registrar, the Registrar shall register the applicant as owner of the trade mark, and shall note on the Register such details as he shall see fit having regard to the document on the basis of which the right is acquired, where such a document exists.

61-63 Repealed.

APPLICATIONS TO REGISTER PERMITS IN A MARK

63A. Application to Register Permit

An application to register a permit under section 51 of the Ordinance shall be filed by the owner of the mark and the applicant for registration as owner of the mark, together with the documents required in order to show the matters set out in section 51(a) of the Ordinance and together with a copy of the receipt for payment of the fee set out in the First Schedule for each mark for which Office registration is required.

63B. Examination of Application to Register Permit

(a) The Registrar shall examine the application referred to in regulation 63A and the documents attached thereto and shall advise the applicant whether, in the Registrar's opinion, the permit is suitable for registration.

(b) For the purposes of the examination referred to in sub-regulation (a), the Registrar may require any material that he needs, in his opinion, for the examination, and the parties shall provide the Registrar with such material within three months of the date of demand for such.

63C. Right to Make Claims Heard

Where the permit is, in the Registrar's opinion, unsuitable for registration, the Registrar shall give the parties the opportunity to make claims before him.

63D. Publication of Acceptance of Application

Where the Registrar accepts a permit for registration, the Registrar shall publish the acceptance on the website.

63E. Particulars to Be Registered

In noting the fact of the grant of a permit on the Register, the date of the registration and the date of the grant of the permit shall be noted thereon., as well as the address of the owner of the rights and the goods in respect of which the permit was granted.

63F. Application to Amend Registration

An application to amend or to cancel the registration of a permit shall be filed with the reasons for the application being attached thereto. An applicant shall provide a duplicate thereof to the owner of the mark or the holder of the permit, as the case may be.

63G. Procedures in Applications to Amend or Remove

The provisions of these regulations relating to objection procedures shall

apply, mutatis mutandis, to hearings held in respect of the amendment or cancellation of registration.

CHANGE OF ADDRESS

64. Change of Name or Address in the Register

Any registered owner or holder of a permit in respect of a trademark who changes his name, address or address for the service of notices, must immediately apply to the Registrar, to note the new address for the service of notices on the Register, and after payment of the set fee, the Registrar shall amend the Register accordingly.

APPLICATIONS UNDER SECTION 27 OF THE ORDINANCE

65. Applications Under Sec. 27 of the Ordinance

Applications made to the Registrar under section 36 of the Ordinance may be filed by the registered owner, or if he is bankrupt, by his trustee, or if the registered owner is a company in liquidation, by the liquidator, and in other cases, by such person whom the Registrar may decide is to be the person permitted to act on behalf of the registered owner.

66. Evidence

Where such an application is filed, the Registrar may require whatever evidence he sees fit, be it by affidavit or in any other manner, in respect of the circumstances in which the application is filed.

67. Publication of Application

Where an application for registration of a waiver or memorandum relating to a trade mark is filed, prior to a decision being made in the matter, the Registrar shall publish the application on the website in order to enable any person so desiring to file written reasons as to why he demands that the applicant not be allowed to register such waiver or memorandum, within one month from the date of publication.

68-69 Repealed.

70. Applications to Amend or to Remove a Trade Mark from the Register

An application to amend the Register or to remove a trade mark from the Register, shall specify the interest of the applicant in the mark, the fact such application is based and the requested amendment and shall be filed in two copies; a duplicate of the application shall be sent by the Registrar to the registered owner.

71. Further procedure

Upon filing such an application, and upon sending a copy of it to the registered owner, the provisions of clauses 37 through 46 shall apply, *mutatis mutandis*, to the claim and the further procedures relating to the claim.

71A. Removal in the Absence of Response

(a) Where the owner of a mark does not respond to an application under regulation 70 within two months of the date of receipt of the application at the Office, the Registrar shall notify the applicant of such and the applicant shall file its evidence in the matter within two months of the date of such notice.

(b) Where the applicant has filed its evidence, the Registrar shall set a time for hearing the applicant's claims and the Registrar shall not remove the mark unless he is convinced that it is just to do so.

72. Intervention of Third Party

Any person other than the registered owner, claiming a benefit in a registered trade mark in respect of which an application was made under regulation 70, may apply to the Registrar, to permit it to intervene in the matter, and the Registrar may refuse or accede to the granting of permission for such, after hearing the parties in respect of the matter, on such terms as the Registrar may see fit. Prior to dealing with such application in whatever manner, the Registrar may demand that the applicant give an undertaking to pay the Registrar's expenses incurred in deciding to the benefit of one of the parties under the circumstances.

JURISDICTION TO HAND DOWN RULING

73. Hearing of Claims

Prior to the Registrar's exercise of his jurisdiction to rule on such matters vested in him by virtue of the Ordinance or these Regulations, to any person's disadvantage, the Registrar must, if so required, hear the claims of any person harmed by the exercise of such jurisdiction.

73A. Continuity of the discussion

(a) where the Registrar or an Intellectual Property adjudicator was prevented, for any reason, from finishing a hearing on a matter before him, the acting Registrar who whomever was entrusted with the matter under sub-regulation (b) may, after the parties were given an opportunity to make their claims heard in such matter and in a manner prescribed, treat the testimony registered in accordance with these regulations as if he himself heard or noted it, and he may proceed with the hearing from the point where his predecessor stopped.

(b) the acting Registrar shall decide of a matter for which the hearing is still ongoing, as aforesaid under sub-regulation (a), shall be heard by the Registrar or an intellectual property adjudicator.

74. Repealed.

75. Procedure in Applications to Make Claims

Where such an application is received, the Registrar must provide ten days' advance notice and therein the time at which the applicant or his agent may make his claims shall be set.

76. Obligation to Notify of Registrar's Decision

The Registrar shall notify any person connected to the matter of the Registrar's decision taken in exercise of his jurisdiction to rule.

PUBLICATION OF AMENDMENTS IN THE REGISTER

77. Publication of Amendments and Additions in Register

Any amendment or addition to details entered in the Register relating to a trade mark shall be published by the Registrar in the website.

SEARCH

78. Application to Search

(a) Where the Registrar is so requested in writing, and after the payment of the prescribed fee, the Registrar may order that a search be undertaken—

- (1) of any kind relating to trade marks registered or the registration of which has been requested, which are similar to a mark sent by the applicant for the search;
- (2) for any registered trade mark of an owner of a particular mark or whose owner sought the registration of such mark;
- (3) of any other particular available for public inspection in the Registrar's database.

(b) a person interested in such may conduct a search as aforesaid under sub-regulation (a) in the databases of the website of the Registrar of Trade Marks.

INSPECTION HOURS

79. Inspection Hours

(a) The office shall be open to the public on Sunday through Thursday, where such days are not holidays or rest days or sabbatical days, or days so notified by the Registrar on the website, between the hours of 08:30 and 13:30; for this purpose, "rest days" – as defined in the Governance and Law Procedures Ordinance, 5708-1948.

(b) Any person desiring to inspect the Register may do so at any time in which the Office offices are open.

AUTHORITY TO WAIVE EVIDENCE

80. Waiver of Evidence

Where any person is required under these Regulations to do any act or thing, or to sign on any document or to make any declaration on his own behalf or on behalf of any incorporated body, or if any document or evidence is to be delivered to the Registrar or if any such is to be left with the Registrar, or with the Office, and it is proven to the satisfaction of the Registrar that for whatever reasonable consideration such person cannot do such act or thing, or sign such document or make such declaration, or that such document or evidence cannot be filed with or left with the Registrar as aforesaid, the Registrar may, after the filing of such satisfactory proof, and subject to such conditions as he might see fit to impose, waive the act, thing, document, declaration or evidence.

AMENDMENTS

81. Amendment of Documents

Any document or drawing or any other description of a trade mark, and any procedural fault which the Registrar is of the opinion may be amended, may be amended without harming the benefit of any person if the Registrar sees fit, on such conditions and in such manner as the Registrar shall see fit.

82. Extension of Time

The Registrar may, if he sees fit, extend the time set out in these Regulations for the doing of any act or the filing of any claim under them, after giving notice of such to the rest of the parties and after any steps set out in the notice have been taken, under such terms as the Registrar may see fit to order.

83. Days that Are Not to Be Counted

Whenever the last day prescribed under the Ordinance or under these Regulations for the performance of anything falls on a day on which the office is not open to the public, such thing may be performed on the first work day thereafter.

CERTIFICATES

84. Certificates from the Registrar

Where the Registrar is required to provide certification regarding any registration, matter or thing which he may do under the Ordinance or under any of these Regulations, other than under section 28 of the Ordinance, the Registrar may grant such certification upon receipt of an application for such in writing, and upon payment of the prescribed fee. However, every certification so granted must recite whether it may be used in legal proceedings or in obtaining registration overseas or for any other purpose.

85. Certificates Sought to Be Used in Order to Obtain Registration Overseas

Where a certificate of registration is required in order to obtain registration overseas, the Registrar shall attach a copy of the mark to such certificate, and shall set out in the certificate such details as he sees fit relating to the registration of the mark, and he may omit from such certificate any reference to any waiver noted on the Register.

86-87 Repealed.

COURT ORDERS

88. Court Order

Where an order is made by a court in any matter under the Ordinance, the person to whose benefit the order was granted, or if there be more than one person, such person as the Registrar may determine, must leave a certified copy of such order at the office. Thereafter, the Registrar may change or amend the Register if there is a need for such.

89. Publication of Court Orders

The Registrar may order the publication on the website of any court order under the Ordinance that he sees the need to publish.

90. Revocation

The Trade Marks Regulations and the Regulation dated 30 September 1935, enacted under the Trade Marks Ordinance and published in the official paper, folio 542, on 10 October 1935, are hereby repealed, such repeal not to harm anything done under such regulations, or any application or any other matter pending on the date of commencement of these Regulations.

FIRST SCHEDULE (Clause 3)

in new shekels

1. Submitting an application for trademark registration according to Section 7 of the Ordinance -
 - (a) For one type of goods 1,654
 - (b) For each additional type of goods within the same application 1,242
2. Submitting a notice of objection, a request to correct a register or a request to cancel the registration of one trademark per type of goods in an application according to sections 24(a), 38 and 41 of the Ordinance 833
3. Submitting an application to voice arguments in the proceedings according to sections 24(f), 29, and 41(b) of the Ordinance or according to Regulation 73 776
4. Submitting an application for renewal of trademark registration according to Section 32 of the Ordinance -
 - (a) For one type of goods 2,948
 - (b) For each additional type of goods with the same trademark within the same application 2,488

5. Arrears fee according to Regulation 52(2), for a month or part of a month	75
6. Reinstatement fee according to Regulation 53(1), for each type of goods	1,144
7. Filing an application to amend in the registration a change of ownership, registration of permit or cancelation thereof, under sections 20, 36(a) (3), (4), (5), 49(a), 51 or 52 to the Ordinance as well as filing an application to amend the register where no other fee has been prescribed, for any mark -	324
8. For a search -	
(a) Under regulation 78 (a) -	660
(b) Repealed. -	
9. For a certified photocopy of registration under section 6(b) of the Ordinance-	49
10. For an extension under regulation 82, for each month or a part thereof, for any mark -	75
11. Filing an application to make claims heard in a hearing under regulation 26 -	497
12. Filing an application for on-site inspection under regulation 22(c), for any class of goods -	776
13. For a photocopy of any document, for each page -	3.8
14. For a scanned copy for a registered file -	49

SECOND SCHEDULE

Form (Omitted)

THIRD SCHEDULE

Classification of Goods (Omitted)